

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

UNITED STATES OF AMERICA

v.

CRIMINAL ACTION NO. 2:12-00056-04

BRYAN JAVINS

PROBATION REVOCATION AND JUDGMENT ORDER
MEMORANDUM OPINION AND ORDER

On August 15, 2014, the United States of America appeared by Erik S. Goes, Assistant United States Attorney, and the defendant, Bryan Javins, appeared in person and by his counsel, George H. Lancaster, Jr., Assistant Federal Public Defender, for a hearing on the amendments to the petition on probation filed on May 5, 2014; July 10, 2014; and August 15, 2014, the court having held in abeyance the petition filed on January 30, 2014, by order entered on April 9, 2014. The defendant commenced a five-year term of probation in this action on August 27, 2012, as more fully set forth in the Judgment Including Sentence Under the Sentencing Reform Act entered by the court on September 12, 2012.

The court heard the admissions of the defendant and the representations and argument of counsel.

For reasons noted on the record of this proceeding, which are ORDERED incorporated herein by reference, the court found that the defendant has violated the conditions of probation in the following respects: (1) the defendant failed to appear for urine screens as directed by the probation officer on May 1, 19 and 23, June 2, July 3, 14, 16 and 21, and August 7, 2014; and (2) the defendant failed, without justification, to make any payment on his restitution obligation of \$20,945.81 at any time except for a single \$125 payment on April 9, 2014, the court noting in particular that the defendant returned to work on May 5, 2014, and was employed over the next 53 days ending on June 27, 2014, when he was laid off, and during that time the defendant received a paycheck on June 4, 2014, for a net pay after all deductions of \$1,465.12, the defendant having failed to abide by the court's original direction that he pay \$200 per month on restitution, as well as the modification imposed at the hearing held on March 26, 2014, that he pay \$125 per week one week after receiving a paycheck; all as admitted by the

defendant on the record of the hearing and as set forth in the above-referenced amendments.

And the court finding, as more fully set forth on the record of the hearing, that the violations warrant revocation of probation and, further, that it would unduly depreciate the seriousness of the violations if probation were not revoked, it is ORDERED that the probation previously imposed upon the defendant in this action be, and it hereby is, revoked.

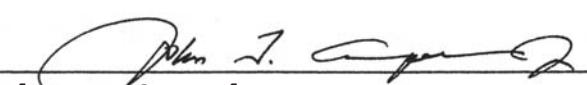
And the court having complied with the requirements of Rule 32(a)(1)(B) and (C) of the Federal Rules of Criminal Procedure, and finding, after considering the factors set forth in 18 U.S.C. § 3583(e), that the defendant should be confined to the extent set forth below, it is accordingly ORDERED that the defendant be, and he hereby is, committed to the custody of the United States Bureau of Prisons for imprisonment for a period of THIRTY (30) DAYS, to be followed by a term of three (3) years of supervised release upon the standard conditions of supervised release now in effect in this district by order entered June 22, 2007, and the further condition that the defendant not commit another federal, state or local crime and the special condition that he spend six (6) months in a community confinement center

and follow the rules and regulations of the facility and the directions of the probation officer, and participate in drug abuse counseling and treatment as directed. Restitution is hereby reimposed in the amount of \$20,820.81. The court anticipates that the defendant's subsistence requirement of 25% of his income while at the community confinement center will be waived at the request of the probation officer, and the defendant shall apply that sum to the restitution indebtedness. Once released from the community confinement center, the defendant shall make monthly restitution payments of \$200 per month with payment due on the first day of each month.

The defendant shall surrender for service of the sentence to the United States Marshal by 2:00 p.m. on August 25, 2014.

The Clerk is directed to forward copies of this written opinion and order to the defendant, all counsel of record, the United States Probation Department, and the United States Marshal.

DATED: August 22, 2014


John T. Copenhaver, Jr.
United States District Judge